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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,000	01/28/2002	James Coleman	JAMES2001	2103

7590 12/22/2006
Barry E. Bretschneider
Morrison & Foerster LLP
2000 Pennsylvania Ave., N.W.
Washington, DC 20006-1888

EXAMINER

MISKA, VIT W

ART UNIT	PAPER NUMBER
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2833

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/22/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/056,000

Applicant(s)

COLEMAN, JAMES

Examiner

Vit W. Miska

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15, 18-20 is/are allowed.
- 6) ☒ Claim(s) 1, 5-7 and 16 is/are rejected.
- 7) ☐ Claim(s) 2-4 and 8-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1,5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the new patent cited to Brian (4974264). The reference discloses a water feature comprising a vessel having body 21, 22 containing a volume of water, water inlet 12, water outlet 41, inlet 12 having inlet nozzles 30 directed tangentially to body 22 as shown in Fig. 5 as to impart rotational movement to the water around an axis of the body (see col.3, lines 55-58), controller 14-18 described at col. 3, lines 60 through col. 4, lines 46 for controlling the rate of water inlet in comparison with the water outlet so as to vary the height of water in the vessel.
2. With respect to a "central longitudinal axis" as claimed, vessel body 21,22 is a symmetric body and therefore can be considered to have a central longitudinal axis

passing through the center of the opening as see in Fig. 1 . A central drain 41 is located near such central axis as seen in Fig. 2.

3. Regarding claim 5, a downstream port at 46 or further downstream appears wider than drain port 41. Further, drain systems of the type shown in the reference generally include a drain feeding to a wider main drain pipe for disposal to a sewer. It would be obvious for one of ordinary skill in the art to provide such a drain arrangement in Brian for effective disposal of the flushed waste.

4. With respect tot claim 7, the shape of body 21, 22 is shown as being that of the conventional water closet. However, it would be obvious for one skilled in the art to make the same body of any other shape, the requirement being that it be suitable for waste disposal. Portion 22 containing water inlet 12,30 is shown as being a cylindrical configuration. Thus, it would be obvious that the entire body 21,22 can have a cylindrical shape for ease of manufacture or appearance, as long as drain 41 is placed at the bottom thereof.

5. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the new patent cited to Iwans (4376314) I view of Brian. Iwans discloses a water feature comprising a vessel having body 12 containing a volume of water, water inlet 24, 26 , water outlet 17 , controller 44-46 described at col. 1, lines 59-66 for controlling

the rate of water inlet in comparison with the water outlet so as to vary the height of water in the vessel over time (col. 1, line 62) , and an airtight lid 33 (see col. 1, lines 54-55). A longitudinal axis is not specifically described in the reference but is defined in the same manner as in the similar lavatory system of Brian, as noted in paragraph 2, above.

6. It would be obvious for one of ordinary skill in the art to direct water inlet 24,26 tangentially to vessel 12 so as to cause rotation of water around a central axis or to cause a vortex as done in Brian with inlets 12, 30 for more effective flushing and cleaning of the vessel.

7. With respect to claim 16, vessel 12 can be considered "closed" in the same manner as applicant's vessel, i.e. being sealed except for water and air inlets and outlets.

Claims 2-4, 8-14, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

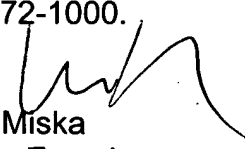
8. Claims 15 and 18-20 are allowed.

Art Unit: 2841

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vit W. Miska whose telephone number is 571-272-2108. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, P. Bradley can be reached on 571-272-2001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Vit W. Miska
Primary Examiner
Art Unit 2841

VM
11/13/2006